

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

DORMAN PRODUCTS, INC., )  
Plaintiff, )  
v. ) Civ. No. 09-655-SLR  
DAYCO PRODUCTS, LLC, )  
Defendant. )

DORMAN PRODUCTS, INC., )  
Plaintiff, )  
v. ) ) Civ. No. 09-687-SLR  
GATES CORPORATION, )  
Defendant. )

## MEMORANDUM ORDER

At Wilmington this 4th day of May, 2010, having considered the pending motions to dismiss or transfer filed in each of the above captioned cases:

IT IS ORDERED that said motions (Civ. No. 09-655-SLR, D.I. 5; Civ. No. 09-687-SLR, D.I. 4) are granted, for the reasons that follow:

**1. Background.** Dayco Products LLC ("Dayco") is an original equipment manufacturer ("OEM") for vehicle engine automatic belt tensioners ("belt tensioners").<sup>1</sup>

<sup>1</sup>A “belt tensioner” is a “device which presses a belt carrying rotary power from the engine crankshaft to automotive subsystems.” (Civ. No. 09-687, D.I. 5 at 4)

Gates Corporation ("Gates") manufactures belt tensioners for OEMs and the automotive aftermarket. In May 2009, Dorman Products, Inc. ("Dorman") launched a line of belt tensioners in the automotive aftermarket.

2. On August 10, 2009, Dayco filed suit against Dorman in the United States District Court for the Eastern District of Michigan,<sup>2</sup> based on Dorman's allegedly false claim that its "automotive aftermarket replacement belt tensioners meet the standards for original equipment parts." (Civ. No. 09-655, D.I. 6 at 2)

3. On August 28, 2009, Gates filed suit against Dorman in the United States District Court for the District of Colorado,<sup>3</sup> asserting claims for "false advertising and unfair competition based upon Dorman's representations in its advertising that its belt tensioner products met certain engineering and manufacturer's specifications." (Civ. No. 09-687, D.I. 5 at 2)

4. On September 1, 2009, Dorman filed suit against Dayco in this court, alleging defamation, trade disparagement, tortious interference with prospective contractual relationships, unfair competition and false advertising, based on Dayco's allegedly unreliable testing of Dorman's tensioners. (Civ. No. 09-655, D.I. 1)

5. On September 16, 2009, Dorman filed suit against Gates, alleging defamation, trade disparagement, tortious interference with prospective contractual relationships, unfair competition and false advertising, based on a "Field Bulletin" which

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<sup>2</sup>*Dayco Products, LLC v. Dorman Products, Inc.*, Civ. No. 09-13139 ("the Michigan case").

<sup>3</sup>*Gates Corporation v. Dorman Products, Inc.*, Civ. No. 09-2058 ("the Colorado case").

Gates published and distributed to some of its clients. (Civ. No. 09-687, D.I. 1)

6. **Analysis.** Although I generally am reluctant to transfer cases that are appropriately filed in this court, nevertheless, it makes no sense, from the standpoint of judicial economies, to have four suits pending in three different jurisdictions that involve common facts, regardless of the legal theories applied to those facts. Therefore, under the unusual circumstances of record, *Dorman Products, Inc. v. Dayco Products, LLC*, Civ. No. 09-655-SLR, shall be transferred to the United States District Court for the Eastern District of Michigan, and *Dorman Products, Inc. v. Gates Corporation*, Civ. No. 09-687-SLR, shall be transferred to the United States District Court for the District of Colorado.

  
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United States District Judge